

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Pamela J. Roche,

Case No.: 2:18-cv-01588-JAD-DJA

**Plaintiff**

v.  
Barclays Bank Delaware and Experian  
Information Solutions, Inc..

## Defendants

## **Order Dismissing and Closing Case**

On September 30, 2019, the court dismissed all of Plaintiff Pamela J. Roche's claim

10 theories but gave her until October 15, 2019, to file an amended complaint if she could cure the  
11 deficiencies identified in the dismissal order.<sup>1</sup> Roche did not file an amended complaint or  
12 request to extend her deadline to do so, so I dismiss this action with prejudice and close it.

District courts have the inherent power to control their dockets and “[i]n the exercise of that power, they may impose sanctions including, where appropriate . . . dismissal” of a case.<sup>2</sup> A court may dismiss an action based on a party’s failure to prosecute an action, failure to obey a court order, or failure to comply with local rules.<sup>3</sup> In determining whether to dismiss an action on one of these grounds, the court must consider: (1) the public’s interest in expeditious

1 ECF No. 26.

<sup>20</sup> <sup>2</sup> *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

<sup>3</sup> See *Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir. 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421, 1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

1 resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the  
2 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the  
3 availability of less drastic alternatives.<sup>4</sup>

The first two factors, the public's interest in expeditiously resolving this litigation and the court's interest in managing its docket, weigh in favor of dismissal of this case. The third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a presumption of injury arises from the occurrence of unreasonable delay in filing a pleading ordered by the court or prosecuting an action.<sup>5</sup> Roche's deadline to amend expired more than four months ago. The fourth factor—the public policy favoring disposition of cases on their merits—is greatly outweighed by the factors favoring dismissal.

Because the plaintiff's claims have already been dismissed and plaintiff has failed to comply with the court's order directing her to file an amended complaint by October 15, 2019, **IT IS THEREFORE ORDERED that this action is DISMISSED with prejudice.** The Clerk of Court is directed to ENTER JUDGMENT ACCORDINGLY and CLOSE THIS CASE.

U.S. District Judge Jennifer A. Dorsey  
February 19, 2020

<sup>23</sup> <sup>4</sup> *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130; *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

<sup>5</sup> See *Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).